

**REMARKS**

Claims 1-26 were pending. By way of the present Reply, claim 1 is amended, claims 2-26 are cancelled without prejudice or disclaimer, and claims 27-51 are added.

Support for the amendments to claim 1 and new claims 27-51 can be found in the application as filed. For instance, support for the amendments to claim 1 can at least be found in originally filed claim 1, on page 12, line 35 – page 15, line 37, and in Figures 4a-6c, of the application as filed. Support for new claims 27-51 can at least be found in originally filed claims 2-26.

Claims 1 and 27-51 remain pending and are submitted for favorable consideration.

**Claim Objections**

Claims 4-6 are objected to for containing informalities. Claims 4-6 have been cancelled and, therefore, the objection of claims 4-6 is moot.

**Specification Objection**

The disclosure is objected to because page 9, of the specification, does not indicate that there are two figures 8a and 8b. The specification has been amended as appropriate. Favorable consideration and withdrawal of the specification objection is respectfully requested.

**35 U.S.C. § 112 Claim Rejections, 2<sup>nd</sup> paragraph**

Claims 1-26 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 1 has been amended as appropriate. Claims 2-26 have been cancelled and, therefore, the rejection of claims 2-26 is moot. Favorable consideration and withdrawal of the 35 U.S.C. § 112 claim rejection is respectfully requested.

**35 U.S.C. § 102 Claim Rejection – Hara**

Claims 1-26 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,949,624 (“Hara”). Claims 2-26 have been cancelled and, therefore, the rejection of claims 2-26 is moot.

Claim 1, as amended, calls for a heating, ventilating or air-conditioning system that comprises, among other things, a housing that includes at least one heat exchanger configured

to condition air in the vehicle and a blower with at least one air duct configured to feed the conditioned air. The at least one air duct includes at least one air outflow vent, “wherein each of the at least one air outflow vent includes: a metering device configured to meter the air stream between the first characteristic and the second characteristic; and a pivotable shutter joined to the metering device and configured to set a pivot area of the air outflow vent such that a direction of the air stream is set in an area of the outlet opening”.

Hara fails to disclose or suggest such a heating, ventilating or air-conditioning system. Hara discloses a “louver window 4 [that] has a plurality of (in the illustrated case three) swingable louver members 5 each having a shaft ... [t]hese shafts 6 are coupled through a link mechanism to a drive motor 8” (Hara, col. 5, lines 3-41). “When the air conditioning system is required to operate in a concentration mode...the drive motor 8 is operated on command from the control unit 41 to place the louver members 5 at a first position...[and w]hen the air conditioning system is required to operate in a diffusion mode...the drive motor 8 is operated on command from the control unit 41 to place the lover members 5 at a second position” (Hara, col. 5, lines 49-64).

Pursuant to Hara, therefore, swingable louver members 5 are moved by a drive motor 8 when the air conditioning system is required to operate in a concentration mode or diffusion mode but Hara fails to disclose or suggest any element configured to set a pivot area of an air outflow vent. Accordingly, Hara fails to disclose or suggest controlling the quantity and the flow characteristic of air that is introduced into a passenger compartment of a vehicle as, for example, intended in Applicants’ claimed invention. For these reasons, *inter alia*, the pending rejection of claim 1 cannot stand.

Favorable reconsideration of the rejection is respectfully requested.

### **New Claims**

New claims 27-51 are added. Claims 27-51 depend from claim 1 and are allowable, therewith, for at least the previously provided reasons in addition to their respective recitations.

For instance, Hara fails to disclose or suggest the elements of claims 40-41 and 43. Claims 40-41 and 43 contain the subject matter of cancelled claims 19-20. The Office asserts that Figure 4A of Hara discloses the claim limitations of claims 19-20 (Office Action, pg. 6).

Figure 4A, of Hara, however discloses that at “the point 124 in the program, the central processing unit selects the ‘concentration’ mode...[a]t the point 126 in the program, the central processing unit selects the ‘diffusion’ mode...[a]t the point 128 in the program, the central processing unit selects the ‘concentration/diffusion’ mode” (Hara, col. 8, lines 29-47). Pursuant to Hara, therefore, different modes are chosen. These different modes do not flow one from the next, but rather are chosen based on distinct situations (Hara, col. 6, line 62 – col. 10, line 16). The same is true for the second – fourth embodiments as shown in Figures 5A-7B, of Hara. For these reasons, *inter alia*, a rejection of claims 42-43 cannot be made based on the prior art of record.

For at least these reasons, allowance of claims 27-51 is respectfully requested.

### **CONCLUSION**

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 11/5/2010

By A. A. Bell

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 295-4618  
Facsimile: (202) 672-5399

Matthew A. Smith  
Attorney for Applicant  
Registration No. 49,003

Annora A. Bell  
Attorney for Applicant  
Registration No. 62,169